

PATENT COOPERATION TREATY

PCT

NOTIFICATION OF THE RECORDING OF A CHANGE

(PCT Rule 92bis.1 and
Administrative Instructions, Section 422)

From the INTERNATIONAL BUREAU

To:

BRIERLEY, Anthony, Paul
Appleyard Lees
15 Clare Road
Halifax HX1 2HY
ROYAUME-UNI

Date of mailing (day/month/year) 29 March 2001 (29.03.01)	
Applicant's or agent's file reference APB/MER/Q716	IMPORTANT NOTIFICATION
International application No. PCT/GB99/03406	International filing date (day/month/year) 14 October 1999 (14.10.99)

1. The following indications appeared on record concerning:

☒ the applicant
 ☐ the inventor
 ☐ the agent
 ☐ the common representative

Name and Address

CAMBRIDGE DISCOVERY CHEMISTRY
LIMITED
The Merrifield Centre
Rosemary Lane
Cambridge CB1 3LQ
United Kingdom

State of Nationality

GB

State of Residence

GB

Telephone No.

Facsimile No.

Teleprinter No.

2. The International Bureau hereby notifies the applicant that the following change has been recorded concerning:

☐ the person
 ☒ the name
 ☐ the address
 ☐ the nationality
 ☐ the residence

Name and Address

MILLENNIUM PHARMACEUTICALS LIMITED
The Merrifield Centre
Rosemary Lane
Cambridge CB1 3LQ
United Kingdom

State of Nationality

GB

State of Residence

GB

Telephone No.

Facsimile No.

Teleprinter No.

3. Further observations, if necessary:

4. A copy of this notification has been sent to:

<input checked="" type="checkbox"/> the receiving Office	<input type="checkbox"/> the designated Offices concerned
<input type="checkbox"/> the International Searching Authority	<input checked="" type="checkbox"/> the elected Offices concerned
<input checked="" type="checkbox"/> the International Preliminary Examining Authority	<input type="checkbox"/> other:

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No.: (41-22) 740.14.35	Authorized officer <p style="text-align: center;">Maria Victoria CORTIELLO</p> Telephone No.: (41-22) 338.83.38
---	--

PCT

**NOTIFICATION OF THE RECORDING
 OF A CHANGE**

(PCT Rule 92bis.1 and
 Administrative Instructions, Section 422)

From the INTERNATIONAL BUREAU

To:

BRIERLEY, Anthony, Paul
 Appleyard Lees
 15 Clare Road
 Halifax HX1 2HY
 ROYAUME-UNI

Date of mailing (day/month/year) 13 March 2001 (13.03.01)	IMPORTANT NOTIFICATION
Applicant's or agent's file reference APB/MER/Q716	
International application No. PCT/GB99/03406	International filing date (day/month/year) 14 October 1999 (14.10.99)

1. The following indications appeared on record concerning:

☒ the applicant ☐ the inventor ☐ the agent ☐ the common representative

Name and Address

CAMBRIDGE DISCOVERY CHEMISTRY
 LIMITED
 The Merrifield Centre
 Rosemary Lane
 Cambridge CB1 3LQ
 United Kingdom

State of Nationality

GB

State of Residence

GB

Telephone No.

Facsimile No.

Teleprinter No.

2. The International Bureau hereby notifies the applicant that the following change has been recorded concerning:

☐ the person ☒ the name ☐ the address ☐ the nationality ☐ the residence

Name and Address

MILLENNIUM PHARMACEUTICALS LIMITED
 The Merrifield Centre
 Rosemary Lane
 Cambridge CB1 3LQ
 United Kingdom

State of Nationality

GB

State of Residence

GB

Telephone No.

Facsimile No.

Teleprinter No.

3. Further observations, if necessary:

4. A copy of this notification has been sent to:

☒ the receiving Office ☐ the designated Offices concerned
☐ the International Searching Authority ☒ the elected Offices concerned
☒ the International Preliminary Examining Authority ☐ other:

The International Bureau of WIPO
 34, chemin des Colombettes
 1211 Geneva 20, Switzerland

Facsimile No.: (41-22) 740.14.35

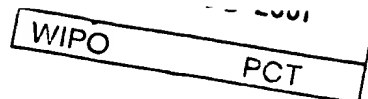
Authorized officer

Maria Victoria CORTIELLO

Telephone No.: (41-22) 338.83.38

ATENT COOPERATION T.

PCT



INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference APB/MER/Q716		FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/GB99/03406	International filing date (day/month/year) 14/10/1999	Priority date (day/month/year) 14/10/1998	
International Patent Classification (IPC) or national classification and IPC B01J19/00			
Applicant CAMBRIDGE DISCOVERY CHEMISTRY LIMITED et al.			

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.


2. This REPORT consists of a total of 7 sheets, including this cover sheet.

- ☐ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☒ Priority
- III ☒ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☒ Certain defects in the international application
- VIII ☒ Certain observations on the international application

Date of submission of the demand 10/05/2000	Date of completion of this report 06.02.2001
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized officer Nazario, L Telephone No. +49 89 2399 8137



INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No. PCT/GB99/03406

I. Basis of the report

1. This report has been drawn on the basis of *(substitute sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments (Rules 70.16 and 70.17).)*:

Description, pages:

1-49 as originally filed

Claims, No.:

1-37 as originally filed

Drawings, sheets:

1/3-3/3 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No. PCT/GB99/03406

☐ the drawings, sheets:

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)):

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

II. Priority

1. ☐ This report has been established as if no priority had been claimed due to the failure to furnish within the prescribed time limit the requested:

☐ copy of the earlier application whose priority has been claimed.

☐ translation of the earlier application whose priority has been claimed.

2. ☐ This report has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid.

Thus for the purposes of this report, the international filing date indicated above is considered to be the relevant date.

3. Additional observations, if necessary:

see separate sheet

III. Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

1. The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non-obvious), or to be industrially applicable have not been examined in respect of:

☐ the entire international application.

☒ claims Nos. 22-25, 29-32, 36-37.

because:

☐ the said international application, or the said claims Nos. relate to the following subject matter which does not require an international preliminary examination (*specify*):

☐ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. are so unclear that no meaningful opinion could be formed (*specify*):

☐ the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No. PCT/GB99/03406

could be formed.

☒ no international search report has been established for the said claims Nos. 22-25, 29-32, 36-37.

2. A meaningful international preliminary examination report cannot be carried out due to the failure of the nucleotide and/or amino acid sequence listing to comply with the standard provided for in Annex C of the Administrative Instructions:

☐ the written form has not been furnished or does not comply with the standard.

☐ the computer readable form has not been furnished or does not comply with the standard.

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes:	Claims
	No:	Claims 1-21, 26-28, 33-35
Inventive step (IS)	Yes:	Claims
	No:	Claims 1-21, 26-28, 33-35
Industrial applicability (IA)	Yes:	Claims 1-21, 26-28, 33-35
	No:	Claims

2. Citations and explanations see separate sheet

VII. Certain defects in the international application

The following defects in the form or contents of the international application have been noted:
see separate sheet

VIII. Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:
see separate sheet

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/GB99/03406

Re Item II

Priority

The present application claims priority date 14.10.98 (application number GB/9822436.3), however this document only relates to a method of preparing materials through sintering or co-sintering and to the materials obtained thereby. The present application relates to these materials and method but also to materials manufactured without recourse to sintering as well as to methods of synthesis. Therefore, the document WO-A-99 32508 (D10) which was published on the 1.07.99 but claims priority of 22.12.97 is considered to be included in the state of the art with regard to the subject-matter not covered by the priority document.

Re Item V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Reference is made to the following documents:

D1: WO-A-98 41534
D2: US-A-4 774 058
D3: US-A-5 688 370
D4: WO-A-92 00799
D5: US-A-5 177 023
D6: EP-A-0 175 195
D7: WO-A-89 08705
D8: GB-A-1 281 364
D9: US-A-5 459 079
D10: WO-A-99 32508

2. Independent claim 1 relates to a method of synthesis using a porous body comprising an active material. Independent claim 26 relates the said porous body and independent claim 33 relates the method of forming the porous body.

The subject-matter of these claims is extremely broad and includes not only the devices and methods described in the description, but also, for example, any

supported catalyst and the methods of using them. Any such material would anticipate the novelty of the subject-matter of the above claims. It would therefore, seem appropriate to redraft the claims so that the subject-matter of the claims can be clearly perceived (see also item VIII.1).

3. Furthermore, the applicant's attention is drawn the disclosures of D1-D10.

The documents disclose methods of synthesis using porous bodies (e.g. ceramic monoliths or fibrous layers) comprising an active material (e.g. polymer or derivitized bead). These devices are contacted with reagents and the products can be covalently bonded to the active material and then cleaved when the desired product (or products) are obtained. (D1: abstract, page 4, lines 1-22, page 6, line 7 to page 7, line 21, page 11, lines 1-5, page 26, line 24 to page 27, line 12, claims 1-34; D2: abstract, col. 8, line 63 to col. 9, line 35, figures; D3, abstract, col. 4, line 20 to col. 5, line 14, example 16; D4, abstract, page 1, line 1 to page 3, line 8, page 37, lines 1-17, page 38, lines 27-34, page 45, line 10 to page 46, line 7, page 49, lines 15-29, examples 1 and 2; D5, col. 3, lines 1-44, col. 4, lines 44-51, col. 10, line 44-62, cl. 1; D6, page 4, lines 13-25, page 7, lines 25-30; D7: page 1, 1st paragraph to page 2, 2nd paragraph, cl. 1-10; D8, page 3, line 120 to page 4, line 39, cl. 1-14, example 1; D9, abstract, col. 3, lines 17-64, col. 4, lines 6-11, cl. 1-14; D10, abstract, page 1, lines 3-6, page 2, line 9 to page 3, line 21, page 6, lines 3-24, page 7, line 11 to page 8, line 13, cl. 1-9).

Therefore, the subject-matter of claims 1-21, 26-28 and 33-35 are not novel and do not fulfill the requirements of article 33(2) PCT.

Re Item VII

Certain defects in the international application

Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in the documents D1-D10 is not mentioned in the description, nor are these documents identified therein.

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/GB99/03406

Re Item VIII

Certain observations on the international application

1. To fulfill the requirements of article 6 PCT the following have to be addressed:
 - 1.1. Claims 7-21 relate to a method of synthesis however, they do not contain further method features but only characterize the porous device.
 - 1.2. The term "predetermined" used in claims 8 and 11 is vague and imprecise.
 - 1.3. Although claim 35 is dependent on claim 33 (a method of manufacture), its subject-matter relates to the use of the porous device such a formulation renders the claim unclear.
2. It is noted that in the application, certain documents are incorporated by reference. The applicant's attention is drawn to the fact that certain member states may object to this formulation during the regional phase.